

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated December 23, 2008 and, thus, the application is in condition for allowance.

By this reply, claims 1, 10, and 19 are amended. Claims 1 – 23 remain pending. Of these, claims 1, 10, and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1, 2, and 10-12 were rejected under 35 U.S.C. 102(e) as being anticipated by Oommen et al. published application (US PG pub. No. 2003/0203484). It is asserted the Oommen discloses substantially the same invention as in the pending claims. Applicant respectfully traverses.

Neither Oommen nor any other related art of record can anticipate the present invention as recited in the claims because Oommen does not teach or fairly suggest each of the elements recited therein. For example, Oommen fails to disclose applying the device identifier to determine a device status, including location information, wherein the location information is one or more of a geographical location and a logical location. This element is present in independent claims 1 and 10 and is supported, for example, in paragraph [0031] of the disclosure. Logical location, as used in the claim, refers to such instances as, for example, “In a meeting”, “In transit”, etc. Oommen discloses an apparatus which can exchange configuration indicia associated with a mobile node (Oommen, Paragraph [0017]-[0018]). However, Oommen discloses at most a location of a device within a network or management tree. This is very different from the present invention, wherein the received device status includes geographic location information or logical location information (as defined in paragraph [0031]). A network location is very

different from a geographical location and has a completely different purpose. A customer care facility uses the geographical location or logical location to provide a better customer care experience. Furthermore, in the paragraph of Oommen cited by Examiner with respect to location, paragraph [0025], any provided location is part of a request message from a network manager. This is not a location provided by, for example, an SMS message from another device. It is a request with an included network location. Therefore, the network manager is sending out any such location, not receiving it. This is not the same as the element claimed in the present invention. Thus, because Oommen does not contain each element of the independent claims, Oommen cannot anticipate the pending claims. For at least this reason the rejection should be withdrawn.

Regarding claims 2, 11, and 12, it is asserted that Oommen anticipates these claims. Oommen does not teach all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from Oommen. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen. For this reason, Applicant respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 19-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen. It is asserted that Chen discloses a system with all of the limitations of the present invention as recited in the claims, but for extracting a device identifier from the message, including location information. It is further alleged that Oommen discloses this

deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Regarding claim 19, neither Chen, nor Oommen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claim. For example, none of the references teach or suggest a network element which applies the device identifier to locate device status information including location information, wherein the location information is one or more of a geographical location and a logical location. Chen discloses generating updates of firmware/software components in electronic devices (Chen, Paragraph [0023]). Chen does not disclose any type of device location at all. As stated above, Oommen also does not contain this element. At most, Oommen discloses a location within a network, not a geographical or logical location. Therefore, Oommen cannot cure the deficiencies of Chen and the combination of Chen and Oommen cannot render the claim obvious. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

With respect to claims 20-23, because Chen and Oommen cannot, alone or in combination, teach all of the elements in the independent claim, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claim, clearly further distinguish the claims from any teaching or suggestion by Chen or Oommen. For this reason, Applicant respectfully requests

withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

Claims 3, 4, 7-9, 13, and 16-18 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Oommen in view of Chen. It is asserted that the combination of these two references renders the present claims as obvious. Applicant respectfully traverses.

Neither Oommen, nor Chen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. Each of these claims is a dependent claim, dependent upon either claim 1 or 10, which have been traversed above. Because Oommen and Chen cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen or Chen. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 5, 6, 14, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Corrigan et al. (US PG

Pub. No. 2002/0187775). It is asserted that the combination of these two references renders the present claims as obvious. Applicant respectfully traverses.

Neither Oommen, nor Corrigan, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, neither reference discloses applying the device identifier to determine a device status, including location information, wherein the location information is one or more of a geographical location and a logical location. As stated above, this is present in both independent claim 1 and 10. Thus, because each of these claims is dependent upon either claim 1 or 10, this element is therefore necessarily present in each. Corrigan discloses an access node having a portal which performs interfacing between a wireless network domain and content/service providers in the Internet (see Corrigan, Abs.). In no way does Corrigan discloses determining location information from a device identifier. As stated above, Oommen also does not contain this element. At most, Oommen discloses a location within a network, not a geographical or logical location. Because Oommen and Corrigan cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen or Corrigan. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable,

arguendo, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: 23 March 2009

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